

FAMILY DISPUTE MEDIATION IN POLEWALI VILLAGE, PINRANG REGENCY: AN ANALYSIS OF THE VILLAGE HEAD'S ROLE FROM A LEGAL SYSTEM PERSPECTIVE BY LAWRENCE M. FRIEDMAN

Ridha Nurul Mutia¹, Fikri², Zainal Said³, Rusdaya Basri⁴, Aris⁵
^{1,2,3,4,5} State Islamic Institute of Parepare , South Sulawesi, Indonesia
Email: ridhanurulmutia@iainpare.ac.id

Abstract

Family disputes are common in rural communities and are generally resolved through non-litigation mechanisms that emphasize deliberation and family values. This study examines the role of the Village Head in mediating family disputes in Polewali Village, Pinrang Regency, by employing Lawrence M. Friedman's legal system theory as an analytical framework. A qualitative approach was adopted, with data collected through interviews, observations, and documentation involving village officials, community leaders, and individuals who had experienced family disputes. The findings show that the effectiveness of mediation is supported by three elements of the legal system: legal structure, legal substance, and legal culture. The legal structure is reflected in the Village Head's authority and social position, which enable him to gain public trust as a mediator. Legal substance is manifested in the integration of formal legal norms, customary values, and the principles of Islamic family law that guide the mediation process. Meanwhile, legal culture is evident in the community's strong commitment to deliberation and its preference for peaceful settlement of family disputes. The mediation practices in Polewali Village demonstrate that law operates not only through formal rules but also through social values that are continuously maintained and observed within the community

Keywords: Family Disputes, Village Head, Mediation, Legal System, Living Law

Abstrak

Sengketa keluarga merupakan persoalan yang kerap terjadi dalam kehidupan masyarakat pedesaan dan umumnya diselesaikan melalui mekanisme nonlitigasi yang mengedepankan musyawarah serta nilai-nilai kekeluargaan. Penelitian ini bertujuan menganalisis peran Kepala Desa dalam mediasi penyelesaian sengketa keluarga di Desa Polewali, Kabupaten Pinrang, dengan menggunakan teori sistem hukum Lawrence M. Friedman. Penelitian ini menggunakan pendekatan kualitatif dengan teknik pengumpulan data melalui wawancara, observasi, dan dokumentasi terhadap aparat desa, tokoh masyarakat, serta pihak yang pernah mengalami sengketa keluarga. Hasil penelitian menunjukkan bahwa mediasi yang dilakukan Kepala Desa berjalan efektif karena didukung oleh tiga unsur sistem hukum, yaitu struktur hukum, substansi hukum, dan budaya hukum. Struktur hukum terlihat dari kewenangan dan posisi sosial Kepala Desa yang diterima oleh masyarakat sebagai mediator. Substansi hukum tercermin dari penggunaan hukum formal yang dipadukan dengan nilai adat dan prinsip hukum keluarga Islam dalam proses penyelesaian sengketa. Adapun budaya hukum tampak pada kuatnya tradisi musyawarah dan kecenderungan masyarakat untuk menyelesaikan persoalan keluarga secara damai. Praktik mediasi yang berkembang di Desa Polewali memperlihatkan bahwa hukum tidak hanya

bekerja melalui aturan formal, tetapi juga melalui nilai-nilai sosial yang hidup dan dipatuhi oleh masyarakat

Kata kunci: Sengketa Keluarga, Kepala Desa, Mediasi, Sistem Hukum, Living Law

A. INTRODUCTION

Rural life is generally built on the values of togetherness, mutual cooperation, and brotherhood, which form the basis for social harmony. These values serve as social capital that helps maintain the stability of community life, ensuring peace and order. However, in practice, intense social interaction within communities is also inextricably linked to the emergence of various forms of conflict. These conflicts can arise in various areas of life, including family relationships such as inheritance disputes, divorce, division of joint property, and child custody.¹

However, conflict remains a common occurrence in social interactions and significantly disrupts social order. Therefore, achieving order and peace requires conflict resolution efforts. Several previous studies have shown that community-based dispute resolution at the village level plays a crucial role in maintaining social stability. However, most of these studies have focused more on general mediation or the role of traditional and religious leaders, while studies specifically analyzing the role of village heads in family dispute mediation using a legal system approach remain relatively limited. Furthermore, research examining village mediation practices as part of the interaction among legal structures, legal substance, and community legal culture is also limited.²

Family disputes that arise in rural communities can take various forms, ranging from inheritance issues, divorce, division of joint property, children's rights, to differences of opinion among family members. If not managed properly, these disputes can escalate into larger conflicts and involve parties

¹ Nanang Martono, *Sosiologi Perubahan Sosial: Perspektif Klasik, Modern, Dan Postmodern* (Jakarta: Raja Grafindo Persada, 2021).

² Baiq Ratna Mulhimmah and Nisfawati Laili Jalilah, *Alternatif Penyelesaian Sengketa Berbasis Kearifan Lokal* (NTB: CV Alfa Press, 2023).

outside the family.³ Essentially, family disputes do not always have to end up in court; they can be resolved through various means, both through formal forums provided by the state and through other informal forums, such as family deliberations, mediation by the Village Head, and dispute resolution involving community or religious leaders.⁴

In this context, the village head plays a highly strategic role, not only in carrying out administrative duties of village government but also in maintaining order and harmony in his community. Legally, the village head's role as a mediator has a clear legal basis. Law Number 6 of 2014 concerning Villages states that the village head is tasked with resolving community disputes. This is reinforced by Minister of Home Affairs Regulation Number 114 of 2014 concerning Village Development Guidelines, which provides space for the village head to function as a facilitator in conflict resolution. This means that the village head is legally authorized to act as a mediator in disputes occurring within his/her jurisdiction.⁵

Mediation is a form of non- litigation dispute resolution (outside the courts) regulated by law. Indonesia issued Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution (ADDR). This regulation defines alternative dispute resolution as a dispute resolution institution that resolves disputes through consultation, negotiation, mediation, conciliation, and expert assessment (Article 1, number 10). The law does not specifically explain the meaning of each dispute resolution method.⁶

As a follow-up to these regulations, mediation practices in the community often adapt to local social and cultural contexts. This is because not all disputes

³ Nurhayati and Abdul Karim, "Perlindungan Hak Anak Dalam Mediasi Sengketa Keluarga Perspektif Maqāṣid Al-Syarī'Ah," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 2 (2023).

⁴ Agus Suwandono, Pupung Faisal, and Purnama Trinamansyah, "Penyelesaian Sengketa Konsumen Berbasis Kearifan Lokal: Peluang Dan Tantangan," *Jurnal Panorama Hukum* 3, no. 2 (2018): 189–204, <https://doi.org/10.21067/jph.v3i2.2814>.

⁵ Nurlaili, Munir, and Kasmar, "Peran Kepala Desa sebagai Mediator dalam Penyelesaian Sengketa Tanah di Desa Rupe, Kecamatan Laggudu, Kabupaten Bima," *Jurnal Hukum Lex Generalis* 6, no. 4 (2025): 1–18.

⁶ Mulhimmah and Jalilah, *Alternatif Penyelesaian Sengketa Berbasis Kearifan Lokal*.

can be resolved effectively simply by referring to formal rules, but rather require a local wisdom approach that is more acceptable to the conflicting parties.⁷ For example, in the case of divorce, especially litigated divorce, which is certainly highly avoided, the mediation process is carried out as much as possible to create peace. A litigated divorce is when a wife sues her husband through an appeal which is then granted by the court, thus ending the relationship between the plaintiff, in this case the wife, and the defendant, namely the husband.⁸

In the era before the formal legal system became widespread in rural communities, family conflict resolution was generally carried out through social mechanisms involving respected and senior figures in the community. This practice was also found in Polewali Village, Pinrang Regency, South Sulawesi Province, where traditional leaders or community elders played a crucial role in mediating various family conflicts. In the context of a local culture that upholds the value of *siri'* (a customary marriage) and religious teachings that view divorce as undesirable in domestic life, traditional leaders attempted to reconcile the disputing parties to prevent the conflict from ending in divorce. However, over time, the presence of traditional leaders who previously played mediators began to diminish due to aging and death, while family conflicts continued to arise in community life. This situation then encouraged the emergence of other actors at the village level who possessed social legitimacy and administrative authority to facilitate the resolution of family disputes, one of which was the Village Head.⁹

Lawrence M. Friedman's Legal System Theory states that the elements of the legal system consisting of legal structure, legal substance, and legal culture, have a goal, namely so that the law can run effectively and successfully. These

⁷ Ari Gunawan, "Mediasi Konflik Berbasis Kearifan Lokal: Kajian Penyelesaian Sengketa Adat di Desa Pelompek, Gunung Tujuh, Kerinci," *Muharrrik: Jurnal Dakwah Dan Sosial* 4, no. 02 (2021): 237–54, <https://doi.org/10.37680/muharrrik.v4i02.996>.

⁸ Rusdaya Basri, *Fikih Munakahat 2*, (Parepare: IAIN Parepare Nusantara Press, 2020).

⁹ Rohana and Renaldi Ahmad, "Resolusi Konflik Berbasis Adat : Studi Peran Tokoh Adat Dalam Menyelesaikan Konflik Sosial Di Pulau Sumbawa," *Simpul: Jurnal Ilmu Politik Dan Hukum* 1, no. 1 (2025): 7–11.

three elements must carry out their respective functions, and with each function that has been carried out, the expected goal will be achieved.¹⁰ in the context of the dissemination and understanding of law by the community, this goal is in line with the Explanation of Article 88 of Law Number 12 of 2011 concerning the Formation of Legislation, which emphasizes that the dissemination of legislation aims to enable the community to understand and provide responses to applicable regulations. Therefore, this legal system theory is relevant to be used to analyze how the role of the Village Head as part of the legal structure, the norms used in the mediation process as legal substance, as well as the value of deliberation and local wisdom of the community as a legal culture in resolving family disputes in Polewali Village.¹¹

Several previous studies have discussed the role of the head as a mediator in dispute resolution, including Nurlaili, Munir and Kasmar (2025), who studied the role of the village head as a mediator in resolving land disputes in Rupe Village.¹² The village head not only functions administratively, but also plays a strategic role in reducing conflict through local wisdom-based mediation. Saiful Nufus and Muhammad Yusar in 2022 studied the role and legal basis of the Village Head related to the functions and duties and authority of the position as Village Head as stated in Article 26 paragraphs (1), (2) and (3) of the Law on Villages, as well as the legal force of the results of mediation in disputes that occur.¹³

A study conducted by Vianti Nur Mauliddya Ike Safitri, Moh. Soleh in 2024 entitled "The Effectiveness of the Role of Village Government and Community Leaders in Non- Litigation Dispute Resolution in Jarin Village ." The results of the

¹⁰ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russel Sage Foundation, 2020).

¹¹ Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Perundang-undangan

¹² Nurlaili, Munir, and Kasmar, "Peran Kepala Desa Sebagai Mediator Dalam Media Penyelesaian Sengketa Tanah Di Desa Rupe, Kecamatan Laggudu, Kabupaten Bima."

¹³ Saifun Nufus and Muhammad Yusar, "Analisis Yuridis Peranan Kepala Desa Selaku Mediator Dalam Sengketa Tanah Masyarakat," *Jurnal Ilmu Hukum* 10, no. 2 (2023).

study were used to determine the effectiveness of mediation in resolving disputes non-litigationally, or without legal and/or judicial channels.¹⁴

This research uses a qualitative approach with a field research type (research). This approach was chosen because the focus of the research aims to deeply understand the practice of family dispute mediation carried out by the Village Head and the social dynamics that underlie it in the community. Through field research, researchers can directly explore the experiences, views, and interactions of the parties involved in the mediation process, such as the Village Head, village officials, community leaders, and disputing parties. The qualitative approach allows researchers to reveal how the mediation process takes place, the social values that influence dispute resolution, and how the role of the Village Head is understood and accepted by the community in the context of social life in Polewali Village, Pinrang Regency.¹⁵

In this study, data sources were obtained directly from the field through in-depth interviews with informants involved in the family dispute resolution process in Polewali Village, Pinrang Regency. The research informants numbered 8 people, consisting of 1 Village Head, 2 village officials (Hamlet Heads), 1 Babinsa, 1 Bhabinkamtibmas, and 3 community members who had been involved in family disputes. Field data collection was conducted for three months, namely October - December 2025, with an interview duration of between 30-60 minutes for each informant. The approach used was a descriptive qualitative approach, because this study seeks to understand in depth the practice of family dispute mediation, the role of the Village Head in the mediation process, and the social dynamics that underlie it in the life of the village community.

In the data collection process, researchers also apply a research code of ethics, namely by first asking for the informant's consent before the interview is

¹⁴ Vianti Nur Mauliddya Ike Safitri and Moh. Soleh, "Efektivitas Peran Pemerintah Desa Dan Tokoh Masyarakat Dalam Penyelesaian Perkara Non-Litigasi Di Desa Jarin," *Federalisme: Jurnal Kajian Hukum Dan Ilmu Komunikasi* 1, no. 4 (2024): 128-38, <https://doi.org/10.62383/federalisme.v1i4.276>.

¹⁵ Suharsimi Arikunto, *Manajemen Penelitian, (Cet. VII)* (Jakarta: Rineka Cipta, 2005).

conducted (informed *consent*). (*Consent*), Before conducting the interview process, the researcher first requested consent from each informant regarding the use of the information provided in this study, including consent for the identity or name of the informant to be included in the research report. This step was taken to ensure that the data obtained still respected the privacy of the informant and maintained the validity and integrity of the research.¹⁶

The data analysis method used in this study was thematic analysis, which involves organizing findings based on themes based on a conceptual framework. The process involved reviewing all primary and secondary data, performing data reduction to summarize the core information, categorizing the data according to the problem formulation, and then organizing it into meaningful units. Data sources were obtained through interviews with relevant stakeholders.¹⁷ After that, categorization was carried out through a coding process to group the data, which was then continued by finding patterns or themes that could describe and interpret the phenomenon. This study aims to analyze the application of the legal system by the Head of Polewali Village in the implementation of mediation for family dispute resolution and examines the practice based on Lawrence M. Friedman's Legal System Theory which includes legal structure, legal substance, and legal culture.¹⁸

B. RESULTS AND DISCUSSION

1. The Role of Village Heads in the Implementation of Family Dispute Resolution Mediation in Polewali Village, Pinrang Regency

Polewali Village is a village in Pinrang Regency characterized by a community that still upholds social, cultural, and familial values in daily life. Village life is generally characterized by close social relationships between residents, a sense of mutual recognition, and strong social solidarity in various community activities. This intense social interaction has led Polewali residents to

¹⁶ Arikunto.

¹⁷ Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2009).

¹⁸ Lexy J. Moleong, *Qualitative Research Methods* (Bandung: PT. Remaja Rosdakarya, 2008) p.135

tend to resolve various problems through deliberation and family before resorting to formal legal channels.

In the social life of the Polewali Village community, family conflict or disputes are an unavoidable issue. These disputes can arise from various factors, such as differences of opinion within the family, economic issues, or relationship issues between family members. However, the community generally prefers peaceful resolution through mediation, involving parties deemed to have authority and trust within the community.

As the leader of the village government, the village head holds a strategic position in the social life of the community. In addition to carrying out administrative functions, the village head is often viewed as a capable mediator in resolving conflicts within the community. Community trust in the village head is a crucial factor driving the village government's involvement in resolving various disputes, including those within the family.

Mediation is a form of dispute resolution that involves a negotiation process aimed at helping the parties reach a mutually beneficial agreement. Resolving disputes through mediation has several benefits. First, the mediation process is not regulated in detail by law, so the parties have the freedom to determine how to resolve the dispute and are not bound by overly formal procedures. Second, mediation implemented in a way closed, meaning only the disputing parties and the mediator are involved in the process. This is different with trial in court of a judicial nature open for general, so that problems experienced by the parties can with easy known to the public.

In carrying out their duties, mediators are in a middle position between the disputing parties. Mediators must behave neutral, no taking sides, and capable guard interests of each party in a way fair and balanced attitude neutral it is very important for grow trust of the parties so that the mediation process

can walk in a way effective and productive agreement that can accepted together.¹⁹

Based on results interviews conducted with a number of informant in Polewali Village Regency Pinrang , obtained information about practice settlement dispute family through mediation at the level village . Head of Polewali Village explain that when happen dispute families in society , disputing parties usually moreover formerly report the problem to government village . Next , the head village together device village facilitate meeting between the parties to the dispute For do deliberation use look for road out that can accepted together .

Statement The Head of the Hamlet also said something similar , saying that part big public more choose finish problem family through mediation in the village Because the process considered more simple and not need complicated procedures. In addition, Babinsa and Bhabinkamtibmas who participated present in several mediation processes explain that involvement apparatus village and figures public often helpful relieve tension between disputing parties so that dialogue can ongoing with more conducive .

A number of society that ever involved in the mediation process also revealed that settlement dispute through government village considered more easy reachable compared to with settlement through track court . They evaluate that the mediation process in the village ongoing more fast as well as give room for the parties For convey the problem in a way open in atmosphere family .

Based on findings said , can concluded that implementation mediation in settlement dispute family in Polewali Village show existence trust public to role head village as the facilitating party settlement conflict at the level local . . In this context, the role of the Village Head can be analyzed using Bruce J. Biddle's Role

¹⁹ Syahrizal Abbas, *Mediasi Dalam Perspektif Hukum Syariah, Hukum Adat Dan Hukum Nasional* (Jakarta: Kencana Prenada Media Group, 2009).56

Theory , which views roles as a set of social expectations and behaviors influenced by norms and evaluations from the social environment.²⁰

The research results show that the role of Polewali Village Head, H. Muh Tahang, in implementing family dispute mediation is very dominant and crucial in maintaining social harmony. Based on interviews, H. Muh Tahang stated that,

"We in the village prioritize peaceful means. If a family comes to me with a complaint, I don't make a decision right away. I first listen to both parties, because family issues should be understood slowly, not forced."²¹

This attitude demonstrates the village head's role as an active, adaptive mediator, capable of maintaining a neutral stance. This aligns with Biddle's role theory, which states that actors not only fulfill normative societal expectations but also exhibit behaviors that adapt to the situational context. In the context of Polewali Village, the community views the village head as a figure worthy of trust in maintaining confidentiality, justice, and balance in any family conflict.

This study also documented various types of family disputes successfully resolved through village mediation mechanisms. Based on an interview with H. Muh Tahang, the Village Head of Polewali, the most frequently occurring disputes included divorce, land disputes, inheritance, and children's rights. He explained that the dispute resolution method uses a family-oriented approach, digging into the root of the problem, and prioritizing win - win principles. solution so that both parties maintain their social relations. From the settlement data disputes in the 2023–2025 period, recorded that there is:

²⁰ Sarlito Wirawan Sarwono, *Teori-Teori Psikologi Sosial* (Depok: Raja Grafindo Persada, 2019).

²¹H. Muh Tahang, Village Head, *Interview* in Polewali Village on December 05 , 2025

Table. 1
Solution Disputes in the 2023–2025 Period

| NO | TYPE OF DISPUTE | Amount per year | | | TOTAL |
|----|-----------------|-----------------|------|------|-------|
| | | 2023 | 2024 | 2025 | |
| 1 | Divorce | 5 | 4 | 1 | 10 |
| 2 | Land Dispute | 12 | 5 | 7 | 24 |
| 3 | Inheritance | 2 | 3 | 2 | 7 |
| 4 | Joint Property | 1 | 2 | 1 | 4 |

The data shows that family disputes in Polewali Village can be resolved through non- litigation mediation at the village level. According to H. Muh. Tahang, the Village Head of Polewali, the successful resolution of these disputes is due to the community's trust in the village government and the mediation approach, which combines legal values, social ethics, and moral considerations in the resolution process.

The Polewali community expects the Village Head to act as a fair mediator, capable of mitigating conflicts and providing mutually acceptable solutions. This expectation arises because the Village Head's position is viewed not only as an administrative official but also as a respected community figure and role model within the village.

This was conveyed by a community member who had participated in mediation at the village office. He stated that the village head's presence in the dispute resolution process provided a sense of calm for the parties, as he was perceived as being able to act fairly and mediate the issues that arose. He stated that:

"When there's a family problem, we usually go to the village office to be mediated by the village head. We trust him to be a mediator and help find a solution that works for both parties." (Interview with Polewali Village residents, 2025).

This statement shows that the presence of the Village Head in the mediation process is seen as being able to create a more conducive atmosphere

so that the parties can convey their problems openly and seek solutions together through deliberation.

Norms are reflected in unwritten *rules* that require village heads to maintain neutrality, act wisely, and prioritize deliberation based on mutual cooperation and local wisdom. Muh Rais, the hamlet head, emphasized that family mediation is always conducted with the principles of simplicity, openness, and respect for the conflicting parties. Customary and religious norms are also important references in formulating resolution suggestions.

The Village Head carried out his mediation duties concretely through actions such as facilitating meetings, managing the dialogue, ensuring both parties were treated equally, and summarizing the core issues before offering possible solutions. This is also reinforced by the statements of the Babinsa and Bhabinkamtibmas of Polewali Village, who stated that the Village Head always tried to ensure the situation remained safe and under control during the mediation process. In fact, on several occasions, the Village Head used calming language to defuse tensions when the conflict began to escalate. These statements were made by the Babinsa and Bhabinkamtibmas during interviews conducted at the Polewali Village Office in November. This role performance demonstrates how Biddle's theory works in practice: roles are not merely normative concepts but are realized through direct action.

Sanctions *are* evident when the Village Head issues a reprimand, moral warning, or harsh advice to an uncooperative party during mediation. The sanctions imposed are social and moral in nature, not formal legal, but are considered effective by the community. Furthermore, in mediation practices in Polewali Village, social sanctions are also a factor that helps reduce conflict. In the context of a village community with close social ties, a reprimand from the Village Head often has a strong moral influence. Some residents admitted to feeling embarrassed when receiving a direct reprimand from the Village Head in front of community leaders or family, thus encouraging the parties to immediately resolve the conflict peacefully.

This was conveyed by one of the Polewali Village residents who had participated in the mediation process, who stated that:

"When the village head summons us and reprimands us, we usually feel embarrassed. That's why we try to resolve the issue amicably so it doesn't drag on." (Interview with Polewali Village residents, 2025)

A similar statement was also made by the Hamlet Head who explained that reprimands from the Village Head often became an effective form of social control in maintaining community order and encouraging conflict resolution within the family (Interview at the Polewali Village Office, 2025)

Evaluation *occurs* when the Village Head reassesses the mediation results, including monitoring whether the agreement is being complied with by both parties. Evaluation is also conducted informally through follow-up communication with community leaders, the Hamlet Head, or the disputing families. This evaluation process demonstrates that mediation doesn't stop at an agreement but is followed by monitoring to ensure harmonious social relations are restored.²²

Overall, the mediation conducted by the Polewali Village Head demonstrates that the role operates in harmony with community expectations, social norms, performance, social sanctions, and ongoing evaluation. This reinforces Bruce J. Biddle's theory that roles are the result of the interaction between social expectations and the actual actions of individuals within their social structure.²³ Mediation is effective not only because of the formal structure of village government, but also because of the social and cultural strength inherent in the Village Head as a role model. With the support of village officials such as the Hamlet Head, Babinsa (village supervisory officer), and Bhabinkamtibmas (community police officer), family mediation in Polewali

²² Erma Rusdiana, Moh Rizqi Hidayatulloh, and Dewi Muti'ah, "MEDIASI PENAL DALAM PENYELESAIAN TINDAK PIDANA DI KECAMATAN SOCAH KABUPATEN BANGKALAN," *Jurnal Rechtens* 13, no. 2 (n.d.): 299–314.

²³ Sarwono, *Teori-Teori Psikologi Sosial*.

Village serves not only to resolve disputes but also to maintain social cohesion and prevent conflicts from escalating into larger ones.

2. Implementation of the Polewali Village Head's Legal System in Family Dispute Resolution Mediation

The Village Head's (Kades) legal system for mediating family disputes at the grassroots level, particularly in Polewali Village, Pinrang Regency, is a manifestation of the authority mandated by Law Number 6 of 2014 concerning Villages. This role positions the Village Head as the primary mediator tasked with maintaining social order and harmony. Unlike formal litigation processes, the system implemented by the Polewali Village Head tends to adopt the principle of Living Law in Society (*living law*), where conflict resolution is prioritized through a family approach and deliberation. The existence of this system provides an access route to Effective, affordable, and rapid justice for rural communities with strong cultural preferences to avoid the complexity and high costs of formal court proceedings. The legal system consists of legal structure, legal substance, and legal culture.²⁴

An interview with the Head of Polewali Village, H. Muh Tahang, revealed how the village leader acts as the primary mediator, combining a humanistic and procedural approach. He explained that every mediation process always begins with a persuasive approach. He listens thoroughly to both parties' concerns before making a decision. He stated:

"We don't make decisions right away. We listen to all parties first, then we find a compromise based on village rules and customs. It's important for us to maintain the confidentiality of family matters, as that's part of our trust."²⁵

This statement affirms that the village head carries out the functions of the legal structure through the principles of neutrality, confidentiality, and procedural fairness, which maintain the social dignity of both parties. At the

²⁴ Choiru Fata, "Efektivitas Peraturan Pelaksanaan Bimbingan Perkawinan Calon Pengantin Perspektif Teori Sistem Hukum Lawrence M. Friedman (Studi Di Kantor Urusan Agama Blimbing Kota Malang)" (UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG, 2022).

²⁵H. Muh Tahang, Village Head, *Interview* in Polewali Village on December 05, 2025

hamlet level, the legal structure is also supported by the role of the hamlet head as the primary mediator. He explained that most family conflicts are resolved first by Muh Rais, the hamlet head, before being escalated to the village level. He stated:

"Usually, residents come to us first. If it's not resolved, they take it to the village head. We try to mediate initially using a family approach."²⁶

This statement shows that the hamlet head acted as a *gatekeeper* who prevented the escalation of disputes early on, maintained social stability, and ensured that the conflict did not escalate immediately. Within the framework of Lawrence M. Friedman's Legal System Theory, H. Muh Tahang's role as the Polewali Village Head can be analyzed through the dimensions of Legal Structure. The Village Head acts as a hybrid agent; on the one hand, he is a formally recognized state official, but on the other, he operates using informal and flexible mechanisms. This structure allows the Village Head to extend the reach of justice to the smallest social units, reducing the workload of the courts and the legal bureaucracy. The Village Head's high level of social legitimacy in the eyes of the local community is a vital structural asset. This trust ensures that the mediation process proceeds without formal coercion, but rather based on the moral and social authority recognized by the disputing parties.

The substantive legal dimensions applied by H. Muh Tahang (Village Head) and Riswan Setiawan (Hamlet Head) in family dispute mediation are very unique, not limited to written law. In inheritance dispute cases, for example, the Village Head often integrates formal inheritance law norms with local customary family law. The substance of the resolution is always oriented towards achieving a peaceful agreement (*al-shulhu*) and maintaining the integrity of blood relations, not solely formal legal certainty. ²⁷The Polewali Village Head focuses on distributive justice that is sensitive to the emotional and economic conditions of the family, resulting in a comprehensive solution, encompassing both material

²⁶H. Mahmud, Head of Hamlet, *Interview* in Polewali Village on December 9, 2025

²⁷ Muhammad Rofiq, *Hukum Perdata Islam Di Indonesia* (Jakarta: Rajawali Pers, 2022).

aspects and non-material compensation. This shows that the legal substance used is a reflection of social norms of propriety and not a rigid enforcement of rights.

Field findings indicate that the Polewali Village Head's mediation mechanism begins with an informal pre-mediation phase or separate (caucus *approach*) to the disputing parties. The Village Head, often assisted by traditional or religious leaders, utilizes his social standing to remind the parties of the values of *siri'* (self-respect) and *pacce* (sense of togetherness) as the primary foundations of conflict resolution in the Pinrang community. This process emphasizes open dialogue and accommodates emotional grievances, resulting in win-win solutions.²⁸ This humanistic mediation approach directly demonstrates the Village Head's success in mobilizing social forces to achieve permanent and voluntarily accepted conflict resolutions.

According to Friedman, the Legal Culture dimension is a key determinant of the success of the Polewali Village Head system. The Polewali community's legal culture, which values kinship and prefers peaceful means (*al-shulhu*) over litigation, provides a strong incentive for compliance with mediation outcomes. Although the Village Head's agreement is merely an informal written agreement, the document possesses superior social binding force. Violation of this agreement can trigger collective social sanctions such as isolation or a loss of communal trust. Thus, the strong legal culture in Polewali serves as an informal law enforcement mechanism that ensures agreements are respected and implemented by the parties.²⁹

Overall, the application of the Polewali Village Head's legal system in family dispute mediation is an ideal case study of the functional coherence of Friedman's legal system components. The structure (village head), through his authority, provides an easily accessible mediation platform. The substance (customary/family law) provides settlement norms appropriate to the local

²⁸ Andi Faisal Bakti and Nurhidayah, "Nilai *Siri'* Dan *Pacce* Sebagai Modal Sosial Dalam Penyelesaian Konflik Di Masyarakat Bugis," *Jurnal Al-Qalam* 28, no. 2 (2021).

²⁹ Ahmad Zainuddin and Nur Aisyah, "Sanksi Sosial Sebagai Instrumen Pengendalian Sosial Dalam Masyarakat Pedesaan," *Jurnal Sosiologi Hukum* 6, no. 2 (2023).

context. And the legal culture (communal trust) ensures implementation and compliance. These three elements work synergistically, creating a dispute resolution system that is not only efficient but also effective in achieving substantive justice and maintaining social harmony at the village level, confirming that *living law* is an integral component of the national legal system.³⁰

3. The Effectiveness of Non- Litigation Mediation in Resolving Family Disputes in Polewali Village Based on Islamic Family Law

litigation mediation implemented by the Polewali Village Government plays a crucial role in resolving family disputes, making it the vanguard in maintaining community harmony. The most frequently handled disputes relate to inheritance, divorce, and the division of joint property, which are substantively regulated by Islamic Family Law. The effectiveness of this mediation is measured not only by its procedural aspects, but also by its success in achieving a voluntarily accepted and sustainable resolution. The Village Head, H. Muh Tahang, emphasized that this mediation function is a moral and administrative obligation to minimize the negative impact of family conflict on the social order in Polewali Village, making deliberation a core culture.

The implementation of mediation in Polewali Village is inherently aligned with the principles of Islamic Family Law, which prioritizes peacemaking (*al-shulhu*) before dissolving marital ties or dividing inheritance. Islamic Family Law encourages dispute resolution through deliberation, which aligns with the characteristics of Polewali society, which upholds family ties and avoids *harm*. In an interview, H. Muh Tahang (Village Head) explained that the mediation approach always begins with religious advice and emphasizes the rights and obligations of husband and wife or heirs according to sharia, ensuring that the agreement reached has a strong religious normative basis and is accepted by the local community.

There are two options that can be taken in resolving joint property disputes if they occur, first through the courts (litigation), specifically for

³⁰ Sajipto Rahardjo, *Hukum Dan Perubahan Sosial* (Yogyakarta: Genta Publishing, 2022).

Muslims, Religious Courts for Muslims in accordance with Article 49 of Law Number 7 of 1989 concerning Religious Courts, second, through out-of-court settlement (non-litigation).³¹ Family disputes can occur due to various factors related to interpersonal relationships, economics, and differences in values or views. The following are some of the main factors that can cause disputes in the family: Economic factors, Communication, Factors mix hand from party third, Factor violence in House ladder (Domestic violence).³²

Analysis uses Maqāṣid theory Al-Syarī'ah shows that this non-litigation mediation is in line with the five main objectives of sharia, namely the protection of religion (*al-dīn*), life (*al-nafs*), reason (*al-'aql*), descendants (*al-nāsl*), and property (*al-māl*). In practice, the mediation process seeks to maintain the mental and emotional stability of the disputing parties (*al-nafs*), ensure the distribution of property is fair and transparent (*al-māl*), and protect the rights of children (*al-nāsl*). In addition, mediation prioritizes rational decisions based on knowledge of Islamic law (*al-'aql*), while maintaining harmony with religious values and social norms (*al-dīn*).³³

Interviews revealed that all parties involved felt the mediation process offered a more humane solution than litigation. H. Muh Tahang emphasized,

"Through deliberation and a persuasive approach, we can prevent prolonged disputes. The principles of justice and the common good are always our guiding principles."³⁴

Muh Arsyad added that this approach also minimizes secondary conflicts, such as psychological impacts on children, and maintains social harmony at the village level.

³¹ Watni Marpaung, Noor Azizah, and Putra Siregar, "Islamic Education, Depression, Religiosity, and the Effects of Religion Moderation of Muslim Students," *HTS Teologiese Studies / Theological Studies* 80 (April 29, 2024), <https://doi.org/10.4102/hts.v80i1.9271>.

³² M. Muhksin Jamil, *Mengelola Konflik Membangun Damai* (Walisongo: Mediation Centre Semarang, 2007).

³³ M. Nurul Irfan Irfan and A. Khoiruddin, "Implementasi Maqāṣid Al-Syarī'ah Dalam Penyelesaian Sengketa Keluarga Non-Litigasi," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 1 (17AD).

³⁴ H. Muh Tahang, Village Head, *Interview* in Polewali Village on December 5, 2025

Furthermore, the thoughts of KH. Ali Yafie about *maqāṣid al-syarī'ah*, which emphasizes the importance of *hifdz* Protection of property, as the primary benefit, serves as a guideline in every mediation. The village ensures that the distribution of property takes into account each person's contribution, both material and non-material, to achieve the principle of justice. Rustan emphasized,

"We always emphasize that assets do not belong to just one party, but are the result of joint efforts, so the distribution must be fair and not cause harm to anyone."³⁵

Overall, the implementation of non- litigation mediation in Polewali Village is not only effective procedurally, but also philosophically, because it is in line with the objectives of *maqāṣid*. This approach can prevent harm, bring benefits, and realize social justice at the family and community levels. These findings indicate that collaboration between village heads, security forces, and village secretaries in implementing non- litigation mediation can be a model for resolving family disputes that is harmonious, just, and based on Islamic law.

litigation mediation in Polewali is closely related to the objectives of Islamic law, especially *Maqāṣid al-syarī'ah* in the dimension of *Hifz al-Nasl* (Preservation of Offspring). Family disputes often involve children's rights, and village head mediation focuses on ensuring these rights are not neglected post-conflict. H. Suba (Community Leader) highlighted that mediation successfully established mutually agreed-upon arrangements for custody, child support, and educational continuity. ³⁶This demonstrates that the village mediation system effectively serves the sharia's purpose of protecting future generations, even in situations of parental separation, safeguarding *lineage* and family ties from complete breakdown.

In addition to maintaining offspring, Polewali Village mediation also fulfills the objectives of *Hifz al-Māl* (Preservation of Wealth) and *Hifz al-Dīn* (Maintenance of Religion). In inheritance or joint property disputes, mediation

³⁵Rustan, Bhabinkamtibmas , *Interview* in Polewali Village on December 6 , 2025

³⁶ Nurhayati and Karim, "Perlindungan Hak Anak Dalam Mediasi Sengketa Keluarga Perspektif *Maqāṣid Al-Syarī'Ah*."

prevents material losses due to expensive and time-consuming litigation processes. Muh. Arsyad (Village Secretary) emphasized this aspect of efficiency, where a quick and sincere agreement avoids confiscation of assets for court costs. Meanwhile, *Hifz al-Dīn* was achieved through the emphasis of the village head and community leaders that a peaceful and just settlement was a religious command, so that the resulting agreement had the value of worship and obedience, not just obedience to worldly laws.

The success of this non-litigation mediation is inseparable from structural and social support. According to Muh. Arsyad (Village Secretary), the simple, fast procedure, and the lack of burdensome operational costs are structural advantages. Furthermore, the involvement of H. Suba (Community Leader) and other religious figures in the mediation process provided significant moral and social legitimacy. This positive community pressure served as an informal law enforcement force. Compliance with the mediation outcome was driven by a sense of social responsibility and fear of collective sanctions, which, for the Polewali community, are often more effective than the threat of formal court sanctions.

This mediation process is not merely a legal settlement, but is a collective effort to guarantee *Maqāṣid al-syarī'ah* (especially *Hifz al-Nasl* and *Hifz al-Māl*) at the micro level, making it an ideal model for dispute resolution because it provides substantive justice, kinship, and sustainability of relationships in Islamic-based communities. The theory is a fundamental element in measuring contemporary Islamic legal thought whose emphasis is on achieving the main objective of sharia, namely realizing the benefit for all humans, which in turn can be linked to the principle of social justice.³⁷

Abu Ishaq al-Syāthibī's thoughts are not limited to the realm of Islamic law or *ushul*. However, if we examine his various intellectual works, we find that his ideas extend far beyond linguistics, particularly in the study of interpretation.

³⁷ Afrizal and Al Kodri, 'Division of Joint Assets (Analytical Study of Article 97 of the Compilation of Islamic Law from the Perspective of Maqashid Syariah)', *Islamic Law Journal (ILJ)*, Vol. 1.No. 1 (2022), p. 53.

Abu Ishaq al-Syāthibī's thoughts have been extensively studied by researchers in various disciplines, particularly the Islamic legal perspective, which is the primary focus of many of his works.³⁸

Muhammad Tahir Ibnu Asyur is one of the contemporary thinkers in the field of *maqāṣid al-sharī'ah* which develops and re-examines concepts previously pioneered by Imam Abu Ishaq al-Syāthibī, the first figure to formulate the concept of *Maqāṣid al-Sharī'ah*. The innovation that emerged from Ibnu Asyur's thinking makes this concept more interesting and relevant in facing the dynamics of modern life.³⁹

Next, *maqāṣid Al-syarī'ah* can be interpreted as the goal to be achieved by Islamic law in establishing law. ⁴⁰This theory serves as a guideline in understanding and establishing Islamic law in order to realize welfare, safety, and benefit for humanity. The statement in this theory can be supported by the thoughts of Muhammad Ali Rusdi Bedong in his research on the theory of *maslahat* in the development of Islamic law that *maslahat* is something that is considered good by common sense because it can bring benefits, and also prevent harm or badness for humans, so that *maslahat* can be in line with the goals of *sharia* in establishing law.⁴¹

In conclusion, non- litigation mediation in Polewali Village has proven highly effective due to the coherence between local practices, Islamic Family Law teachings, and the objectives of *sharia*. Testimonies from H. Muh Tahang, H. Suba, and Muh. Arsyad confirm that this mediation successfully achieved benefits by minimizing *the harm* caused by family disputes.

³⁸Ahmad Zainuddin, 'Construction of Abu Ishaq Al-Syatibi's Thought', *JADID: Journal of Quranic Studies and Islamic Communication*, 4.02 (2024), p. 75.

³⁹Ziadul Ulum Wahid, 'Contemporary Maqashid Concept (Comparative Study of the Thoughts of Ibn Asyur and Al-Fasi)', *Hikmatina: Scientific Journal of Islamic Family Law*, Vol 3, No. 2 (2021), p. 101.

⁴⁰Misran, "Al- Maslahah Murlah (An Alternative Method in Resolving Contemporary Legal Problems)", *Justisia Journal*, Vol. 1, No. 1, (2020). p. 3.

⁴¹ Muhammad Ali Rusdi Bedong, *Maqashid Al-Mukallaf* (Depok: PT Raja Grafindo Persada, 2022).

C. CONCLUSION

Based on research results, the implementation of mediation in resolving family disputes in Polewali Village, Pinrang Regency, shows that the Village Head plays a crucial role as a mediator, facilitating dialogue between the disputing parties. Field data indicates that communities tend to bring family issues to the village government for mediation through deliberations involving village officials and community leaders. The mediation process takes place in a family atmosphere, prioritizing dialogue, moral considerations, and efforts to find an agreement acceptable to both parties.

These findings can be understood through the perspective of Lawrence M. Friedman's Legal System Theory, which encompasses legal structure, legal substance, and legal culture. From a legal structure perspective, the Village Head and village officials act as facilitators of the mediation process. From a legal substance perspective, dispute resolution takes into account formal rules and prevailing social norms. Meanwhile, from a legal culture perspective, the Polewali Village community tends to resolve conflicts through deliberation and a family-based approach at the village level.

This study has limitations due to its qualitative nature and focus on a single research location, so the findings cannot comprehensively describe family dispute resolution practices in other regions. Therefore, future research is expected to examine mediation practices at the village level, covering a wider area, and using a more diverse methodological approach to obtain a more comprehensive picture.

REFERENCE

- Abbas, Syahrizal. *Mediasi Dalam Perspektif Hukum Syariah, Hukum Adat Dan Hukum Nasional*. Jakarta: Kencana Prenada Media Group, 2009.
- Afrizal, and Al Kodri. "Pembagian Harta Bersama (Studi Analisis Pasal 97 Kompilasi Hukum Islam Dalam Persepktif Maqashid Syariah)." *Islamic Law Journal (ILJ)* Vol. 1, no. No. 1 (2022): h. 53.

- Ali, Zainuddin. *Metode Penelitian Hukum*. Jakarta: Sinar Grafika, 2009.
- Arikunto, Suharsimi. *Manajemen Penelitian, (Cet. VII)*. Jakarta: Rineka Cipta, 2005.
- Bakti, Andi Faisal, and Nurhidayah. "Nilai Siri' Dan Pacce Sebagai Modal Sosial Dalam Penyelesaian Konflik Di Masyarakat Bugis." *Jurnal Al-Qalam* 28, no. 2 (2021).
- Basri, Rusdaya. *Fikih Munakahat 2,*. Parepare: IAIN Parepare Nusantara Press, 2020.
- Bedong, Muhammad Ali Rusdi. *Maqashid Al-Mukallaf*. Depok: PT Raja Grafindo Persada, 2022.
- Fata, Choiru. "Efektivitas Peraturan Pelaksanaan Bimbingan Perkawinan Calon Pengantin Perspektif Teori Sistem Hukum Lawrence M. Friedman (Studi Di Kantor Urusan Agama Blimbing Kota Malang)." UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG, 2022.
- Friedman, Lawrence M. *The Legal System: A Social Science Perspective*. New York: Russel Sage Foundation, 2020.
- Gunawan, Ari. "Conflict Mediation Based on Local Wisdom : Study on Customary Dispute Resolution in Pelompek Village , Gunung Tujuh , Kerinci." *Muharrrik: Jurnal Dakwah Dan Sosial* 4, no. 02 (2021): 237-54. <https://doi.org/10.37680/muharrrik.v4i02.996>.
- Irfan, M. Nurul Irfan, and A. Khoiruddin. "Implementasi Maqāsid Al-Syarī'ah Dalam Penyelesaian Sengketa Keluarga Non-Litigasi,." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 1 (17AD).
- J. Moleong, Lexy. *Metode Penelitian Kualitatif*. Bandung: PT. Remaja Rosdakarya, 2008.
- Jamil, M. Muhksin. *Mengelola Konflik Membangun Damai*. Walisongo: Mediation Centre Semarang, 2007.
- Marpaung, Watni, Noor Azizah, and Putra Siregar. "Islamic Education, Depression, Religiosity, and the Effects of Religion Moderation of Muslim Students." *HTS Teologiese Studies / Theological Studies* 80 (April 29, 2024). <https://doi.org/10.4102/hts.v80i1.9271>.
- Martono, Nanang. *Sosiologi Perubahan Sosial: Perspektif Klasik, Modern, Dan Postmodern*. Jakarta: Raja Grafindo Persada, 2021.
- Mulhimmah, Baiq Ratna, and Nisfawati Laili Jalilah. *Alternatif Penyelesaian Sengketa Berbasis Kearifan Lokal*. NTB: CV Alfa Press, 2023.
- Nufus, Saifun, and Muhammad Yusar. "Analisis Yuridis Peranan Kepala Desa Selaku Mediator Dalam Sengketa Tanah Masyarakat." *Jurnal Ilmu Hukum* 10, no. 2 (2023).
- Nurhayati, and Abdul Karim. "Perlindungan Hak Anak Dalam Mediasi Sengketa Keluarga Perspektif Maqāsid Al-Syarī'Ah." *Al-Ahwal: Jurnal Hukum*

Keluarga Islam 16, no. 2 (2023).

- Nurlaili, Munir, and Kasmar. "Peran Kepala Desa Sebagai Mediator Dalam Media Penyelesaian Sengketa Tanah Di Desa Rupe, Kecamatan Laggudu, Kabupaten Bima." *Jurnal Hukum Lex Generalis*. 6, no. 4 (2025): 1–18.
- Rahardjo, Sajipto. *Hukum Dan Perubahan Sosial*. Yogyakarta: Genta Publishing, 2022.
- Rofiq, Muhammad. *Hukum Perdata Islam Di Indonesia*. Jakarta: Rajawali Pers, 2022.
- Rohana, and Renaldi Ahmad. "Resolusi Konflik Berbasis Adat : Studi Peran Tokoh Adat Dalam Menyelesaikan Konflik Sosial Di Pulau Sumbawa." *Simpul: Jurnal Ilmu Politik Dan Hukum* 1, no. 1 (2025): 7–11.
- Rusdiana, Erma, Moh Rizqi Hidayatulloh, and Dewi Muti'ah. "MEDIASI PENAL DALAM PENYELESAIAN TINDAK PIDANA DI KECAMATAN SOCAH KABUPATEN BANGKALAN." *Jurnal Rechtsens* 13, no. 2 (n.d.): 299–314.
- Sarwono, Sarlito Wirawan. *Teori-Teori Psikologi Sosial*. Depok: Raja Grafindo Persada, 2019.
- Suwandono, Agus, Pupung Faisal, and Purnama Trinamansyah. "Penyelesaian Sengketa Konsumen Berbasis Kearifan Lokal: Peluang Dan Tantangan." *Jurnal Panorama Hukum* 3, no. 2 (2018): 189–204. <https://doi.org/10.21067/jph.v3i2.2814>.
- Vianti Nur Mauliddya Ike Safitri, and Moh. Soleh. "Efektivitas Peran Pemerintah Desa Dan Tokoh Masyarakat Dalam Penyelesaian Perkara Non-Litigasi Di Desa Jarin." *Federalisme: Jurnal Kajian Hukum Dan Ilmu Komunikasi* 1, no. 4 (2024): 128–38. <https://doi.org/10.62383/federalisme.v1i4.276>.
- Zainuddin, Ahmad. "Konstruksi Pemikiran Abu Ishaq Al-Syatibi." *JADID: Journal of Quranic Studies and Islamic Communication* 4, no. 02 (2024): 75.
- Zainuddin, Ahmad, and Nur Aisyah. "Sanksi Sosial Sebagai Instrumen Pengendalian Sosial Dalam Masyarakat Pedesaan." *Jurnal Sosiologi Hukum* 6, no. 2 (2023).
- Ziadul Ulum Wahid. "Konsep Maqashid Kontemporer (Studi Komparasi Pemikiran Ibnu Asyur Dan Al-Fasi)." *Hikmatina: Jurnal Ilmiah Hukum Keluarga Islam* Vol 3, no. No. 2 (2021): 101.